

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ANTHONY HOEPF,
Plaintiff

Case No. 1:05-cv-314

vs

MONA PARKS, et al.,
Defendants

REPORT AND RECOMMENDATION
(Watson, J.; Hogan, M.J.)

This matter is before the Court on plaintiff's motions for supplemental relief (Doc. 18), to provide supplemental evidence (Doc. 20), and to supplement the complaint. (Doc. 21).

As best the Court can discern, plaintiff's motions seek to accomplish two things: (1) to supplement the complaint to add a request for damages; and (2) to provide evidence to support his allegations concerning his medical condition.

Plaintiff's complaint alleges that defendants have denied his request for a medical cell placement in violation of the United States Constitution and the Americans With Disabilities Act (ADA), 42 U.S.C. § 12101, et seq. Plaintiff's complaint names the defendants in their official capacities only and includes a request for injunctive, declaratory, and monetary relief. On July 26, 2005, the Court sua sponte dismissed plaintiff's 42 U.S.C. § 1983 and ADA claims for damages, finding such claims are barred by the Eleventh Amendment. The Court permitted plaintiff's constitutional and ADA claims for injunctive or declaratory relief to go forward. (Doc. 16). To the extent plaintiff now seeks to supplement his complaint to add a request for monetary relief, such request should be denied for the reasons stated in the Court's July 26, 2005 Order.

To the extent plaintiff seeks to supplement the record with evidence of his medical condition, his motions should be denied. Pursuant to the Local Rules of this Court, evidence

may be submitted when necessary to support or oppose a motion. *See* S.D. Ohio Civ. R. 7.2(e), (f). There are no pending motions to dismiss, motions for summary judgment, or other motions necessitating the submission of evidence of plaintiff's medical condition at this time. Plaintiff should not submit evidence in a piecemeal fashion. Accordingly, his motions to supplement the record with evidence should be denied.

IT IS THEREFORE RECOMMENDED THAT plaintiff's motions for supplemental relief (Doc. 18), to provide supplemental evidence (Doc. 20), and to supplement the complaint (Doc. 21) be **DENIED**.

Date: 9/6/2005

s/Timothy S Hogan
Timothy S. Hogan
United States Magistrate Judge

**NOTICE TO THE PARTIES REGARDING THE FILING OF OBJECTIONS TO THIS
R&R**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **TEN (10) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **TEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

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